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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,481	04/17/2001	Linda Marie Hartman	10633/13	8069
23838	7590	02/23/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005				AMINI, JAVID A
ART UNIT		PAPER NUMBER		
		2672		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/835,481	HARTMAN, LINDA MARIE	
	<b>Examiner</b>	Art Unit	
	Javid A Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 November 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-16, 18 and 20-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 22, 2004 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-16, 18, 20-23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the claim 15 Applicant uses a term “imperative mood”. Examiner’s questions: What is the imperative mood? Does Applicant mean grammatical mood/Graphical mood/Text mood/Hardware mood and so on?

In the claim 20 Applicant uses a term “indicative mood”. Examiner’s questions: What is the indicative mood? Does Applicant mean grammatical mood/Graphical mood/Text mood/Hardware mood and so on?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-16, 18, 20-23 recites the limitation "the imperative mood" and "the indicative mood" in claims 15 and 20. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-16, 18 and 20-28 rejected under 35 U.S.C. 102(b) as being anticipated by Action Writer that developed by U.S. patent and Trademark Office on 1992.

#### **1. Claim 14.**

"A computer-implemented method for developing a request for proposal or proposal," Examiner's interpretation: a proposal is analogous to an application, and the applicant proposes to be published as a design document. Examiner uses a computer application (Action Writer) that developed by U.S. patent and Trademark Office on 1992, to present the similarities between the action writer and the claim invention. "generating by a computer an overlay corresponding to a request for proposal or proposal, the overlay including a reference to a text segment in a database associated with an element selected by a user for inclusion in the request for proposal or proposal," The action writer on page 11-19 under main menu generates an overlay (for example: the elements are an Examiner's amendment, Election/restriction and Examiner's answer)

corresponding to a proposal or the application, and each overlay (the reference's name to the element is Examiner's amendment or Election/restriction or Examiner's answer) includes a reference to a text segment (text segment of a form paragraph for an Examiner's amendment or Election/restriction or Examiner's answer) in a database (stored in a computer) associated with an element selected by an Examiner. Action writer on page 11-19 under "category menus" discloses that the appropriate category menu will appear automatically when you select an action type from the main menu. "wherein the text segment is one of a plurality of text segments associated with the element, each of plurality of text segments having a different grammatical construction to reflect a different document function," (Examiner's interpretation: the form paragraph that is equivalent to the "text segments" and each paragraph is associated with a reference's name that is the element). Action writer on page 11-19 under "category menus" inherently illustrates Examiner's Amendment Category Menu, Election/Restriction Category menu and Examiner's Answer Category menu, and each of plurality of text segments having a different grammatical construction (for example: Examiner's amendment has a different grammatical construction from a Reasons for allowance) to reflect a different document function. The following step is inherent because the plurality of text segments are settable by an examiner via GUI "wherein only one of the plurality of text segments is referenced in the overlay in association with the element based on an indication of document function settable by the requester through a graphical user interface."

2. Claim 15.

The following step is inherent see rejection of claim 14.“wherein the document function indication reflects a request for proposal and the referenced text segment uses the imperative (Examiner’s interpretation: essential mood) mood.”

3. Claim 16.

The following step is inherent because every application or proposal requires having a possessor. “wherein the request for proposal is by an owner to a design-builder (Examiner’s interpretation: this term “a design-builder” applies to most of the products in the market), and the reference text segment utilizes a grammatical construction similar to that of the language “design and select materials to provide ...”. Applicant requires being more explicit and specifying the claim invention toward the main invention.

4. Claim 18.

The following step is inherent because Action writer illustrates on page 11-20 for each referenced text segment, for example: A first paragraph disclosure has seven grammatical constructions. “wherein the request for proposal is by a design-builder to a sub-contractor, and the referenced text segment utilizes a grammatical construction similar to that of the language “provide ..”.

5. Claim 20-28.

See rejection of claim 14.“wherein the document function indication reflects a proposal, and the referenced text segment uses the indicative mood (Examiner’s interpretation: any of the form paragraph stored in the database is considered as an analytical [or a problem solver] nature).”

See rejection of claim 14 that applies to rejection of claims 21-28.

***Conclusion***

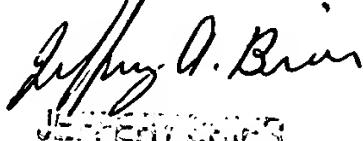
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
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